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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,352	12/02/2003	Raymond W. Blodgett JR.	18393-302	9022
37374	7590	06/29/2006	EXAMINER	
INSKEEP INTELLECTUAL PROPERTY GROUP, INC			KRUER, STEFAN	
2281 W. 190TH STREET			ART UNIT	
SUITE 200			PAPER NUMBER	
TORRANCE, CA 90504			3654	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/726,352	Applicant(s) BLODGETT ET AL.	
	Examiner Stefan Kruer	Art Unit 3654	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 21 is/are pending in the application.
- 4a) Of the above claim(s) 2 - 4, 6, 12 - 13, 15 - 19, and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7 - 11, 14 and 20 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

**Claims 2 – 4, 6, 12 – 13, 15 - 19 and 21** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 4 May 2006.

Although **Claim 21** is indicated by applicant as being readable on the elected species, the claim has the safety latch, which is not a features of the elected species.

### ***Claim Objections***

**Claim 1** is objected to because of the following informalities: “to” of the infinitives “support and constrain” is missing. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 5, 7 – 11 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Rice et al (4,353,436) in view of Anderson et al (2,187,90).

**Re: Claim 1**, Rice et al disclose:

- a frame (including 36, 38, 50, 52, 28 and 30, Fig. 1),
- an acme screw (68, Fig. 3) secured to said frame,
- a bracket assemblage (70, Fig. 4) slidably disposed on said frame, said bracket sized and shaped so as to support and constrain rotation of his retention members (74), thereby requiring said bracket assemblage to slide when said acme screw is rotated,
- and said assemblage having a payload flange (46) for supporting a payload;

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however, Rice et al do not disclose a primary acme nut.

Attention is directed to Anderson et al (2,187,90) who teach their primary acme nut (22) for co-axial movement along their acme screw (12).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the invention of Rice et al with the teaching of Anderson et al to incorporate a primary acme nut in lieu of the retention members, for the advantage of durability.

**Re: Claim 5**, Rice et al disclose their payload (192) as an inner platform for positioning a wheel chair and Anderson et al disclose their payload as an elevator car; nevertheless, it would have been an obvious matter of design choice to accommodate a bed in lieu of a wheel chair or structurally larger, heavier payload.

**Re: Claims 7 and 14**, Rice et al is silent regarding indicia of failure.

Anderson et al disclose their indicia of failure (34, Fig. 2) of their primary nut whereby their motor circuit is broken "...before the wear on the threads 27 becomes dangerous..." whereby visual alerting means in lieu an automatic shut-off to alert the user are offered as well (Col. 2, Line 43).

It would have been obvious to one of ordinary skill in the art to modify the invention of Rice et al with the teaching of Anderson et al to afford the user either or both an automatic or visual means to warn of potential catastrophic failure.

**Re: Claim 8**, Rice et al disclose their hand crank (110, Fig. 1).

**Re: Claim 9**, Rice et al disclose their electric motor (56, Fig. 1).

**Re: Claim 10**, Rice et al disclose their linear actuator system (Fig. 3) comprising:

- at least one acme screw (68) rotatably fixed to a framework (including 38, 50, 52, 28 and 30, Fig. 1) in a vehicle (26),
- a support system (including 36, 46, 70, Fig. 4) mounted on said frame work and slidable along said at least one acme screw,
- a payload (40, Fig. 3) coupled to said support system,
- and said at least one acme screw rotatably confined and supported on said support system (Fig.'s 3 and 4);

however, Rice et al disclose their retention members (74) engaged with the threads of their at least one acme screw, in lieu of an acme nut.

Attention is directed to Anderson et al (2,187,90) who teach their primary acme nut (22) for co-axial movement along their acme screw (12).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the invention of Rice et al with the teaching of Anderson et al to incorporate a primary acme nut in lieu of the retention members for durability.

**Re: Claim 11**, Rice et al disclose two acme screws (Fig. 1).

**Re: Claim 20**, Rice et al disclose their elongated flexible support (42, Fig. 3).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eryou et al (5,154,569), Klausmeyer (1,573,551) and Pawlak (6,557,431) are cited for reference of a lifting device in a vehicle having plural frame supported and confined acme screws with acme nuts and sliding bracket assemblage, and inventions uniquely offering visual and electromotive indicating means to alert of the potential failure of an acme nut, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefan Krüer whose telephone number is 571.272.5913. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571.272.6951. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866.217.9197 (toll-free).

SHK

19 June 2006

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